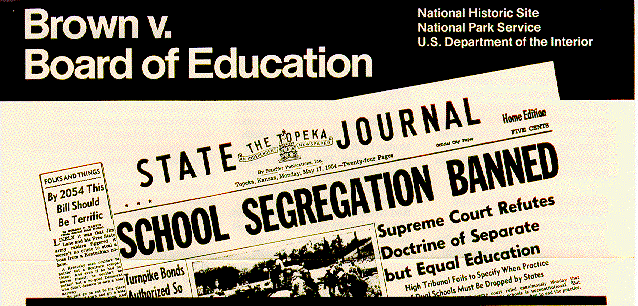
****Background Summary and Questions**

In Topeka, Kansas in the 1950s, schools were segregated by race. Each day, Linda Brown and her sister, Terry Lynn, had to walk through a dangerous railroad switchyard to get to the bus stop for the ride to their all-black elementary school. There was a school closer to the Brown's house, but it was only for white students.

Topeka was not the only town to experience segregation. Segregation in schools and other public places was common throughout the South and elsewhere. This segregation based on race was legal because of a landmark Supreme Court case called *Plessy* v. *Ferguson*, which was decided in 1896. In that case, the Court said that as long as segregated facilities were equal in quality segregation did not violate the Constitution.

However, the Brown's disagreed. Linda Brown and her family believed that the segregated school system did violate the Constitution. In particular, they believed that the system violated the Fourteenth Amendment guaranteeing that people will be treated equally under the law.

|  |  |
| --- | --- |
| |  | | --- | | *No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.*  —Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution | |

The National Association for the Advancement of Colored People (NAACP) helped the Browns. Thurgood Marshall was the attorney who argued the case for the Browns. He would later become a Supreme Court justice.

|  |
| --- |
| The case was first heard in a federal district court, the lowest court in the federal system. The federal district court decided that segregation in public education was harmful to black children. However, the court said that the all-black schools were equal to the all-white schools because the buildings, transportation, curricula, and educational qualifications of the teachers were similar; therefore the segregation was legal. |

The Browns, however, believed that even if the facilities were similar, segregated schools could never be equal to one another. They appealed their case to the Supreme Court of the United States. The Court combined the Brown's case with other cases from South Carolina, Virginia, and Delaware. The ruling in the *Brown* v. *Board of Education* case came in 1954.

**Questions to Consider:**

1. What problems did Linda Brown encounter in Topeka that eventually resulted in this case?
2. What does it mean to have segregated schools?
3. What right does the Fourteenth Amendment give citizens?
4. What precedent did the *Plessy* v. *Ferguson* (1896) ruling establish?
5. How was the *Plessy* decision related to *Brown*?
6. It is important for this case to determine what "equal" means. What do you think equality means to the Browns?
7. What do you think equality means to the Board of Education of Topeka?

**Key Excerpts from the Majority Opinion, *Brown I***  
**The decision was unanimous.   
Chief Justice Earl Warren delivered the opinion of the Court.**

. . . Here . . . there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications, and salaries of teachers, and other "tangible" factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of these cases. We must look instead to the effect of segregation itself on public education. . . .

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. . . . Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. . . .

To separate them [children in grade and high schools] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone. . . . Whatever may have been the extent of psychological knowledge at the time of *Plessy* v. *Ferguson*, this finding is amply supported by modern authority. . . .

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and other similarly situated . . . are . . . deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

After the decision in *Brown* was reached, the Court decided a companion case *Bolling* v. *Sharpe* regarding the same issue of segregation in the District of Columbia. The Court notes first that although the Fourteenth Amendment is only applicable to states, the Fifth Amendment is applicable to the District of Columbia. The Court then held that while the Fifth Amendment does not contain an equal protection clause it does contain a due process clause, the concepts both stemming from the American ideal of fairness, and discrimination can be so unjustifiable it can be deemed violative of due process.

**Key Excerpt Questions to Consider:**

1. In Chief Justice Warren's opinion, how valuable is education? Why?
2. What does the Court mean by the "tangible" factors of equality?
3. Are the tangible factors the only factors the Court considered when determining whether the Fourteenth Amendment was violated?
4. According to the Supreme Court of the United States, what "intangible" factors play a role in whether school facilities are truly equal?
5. Can you find any weaknesses in the basis of the Court's decision?
6. What would your school be like if *Brown* had been decided differently and *Plessy* had never been reversed?
7. How would education be different for white and African American students?
8. Do you think that there are still consequences resulting from schools being segregated in the past?

On this page are reports filed by Columbia University in 1942. Compare the Newark Colored School to (the old) Newark High School. According to the *Plessy* ruling, the two schools needed to be “separate but equal” in facilities and educational opportunities.

1. How is being “legally” equal different from being “actually” equal?
2. In your opinion, were the facilities “legally” equal? Why or why not?
3. Give three examples of how the two schools are equal.
4. Give five examples of how the two schools are NOT equal.
5. How will having subpar materials effect the staff at a school?
6. How will having subpar materials effect the students at the school?
7. Do you think combining the schools in 1954 ended the problem? Explain your answer.
8. Are all public schools today equal? Explain your answer.

